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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,542	07/06/2005	Marc Kuepfer	ICB0210	8216
24203	7590	08/21/2007		
GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			EXAMINER LUEBKE, RENEE S	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,542

Applicant(s)

KUEPFER & BETTELINI

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17, 20, 21 and 24 is/are rejected.
- 7) ☒ Claim(s) 16, 18, 19, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/11/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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1. The disclosure is objected to because of the following informalities:

- Figs. 1-4 should be labeled -Prior art-, or something similar.
- The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent.
- On page 11, line 29, it appears that "112 and 114" should be changed to -114 and 116-.
- The specification contains other minor typographic errors (such as the missing period, and possibly text, on line 19 of page 8).

Appropriate corrections are required.

2. Claims 13-24 are objected to because of the following informalities:

- a. Claim 13 lacks antecedent basis for "the date," "the day" and "the week" on line 1, "the form" on line 2, "the others" on line 5, "the inner toothing" on line 6 and "the same even number" on line 12.
- b. The phrase "being wherein said means" on line 10 of claim 13 is unclear. Is there text missing?
- c. Claim 14 lacks antecedent basis for "said drive wheel"; two drive wheels have previously been defined.
- d. Claim 17 lacks antecedent basis for "the names" on line 2, "the first finger" on lines 5-6 and "the same direction" on the last line.
- e. Claim 24 lacks antecedent basis for "the driving" on line 2, "the torques" on line 3 and "the same time" on line 4.
- f. The claims are generally written in a confusing manner and also contain additional terms lacking antecedent basis.

Appropriate corrections are required.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-15, 17, 20, 21 and 24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by applicant in Figs. 1-4 and discussed on pages 1-7 of the present application, in view of Veuilleumier, et al. As noted by applicant, a calendar mechanism including a date indicator formed with a toothed crown, wheel-type driving means and a day indicator as generally claimed is known. The prior art does not use two drive wheels with the same toothing, superposed and coaxial to drive the day and date indicators. However, it is well known that a device that performs a plurality of functions can be separated into various interrelated parts that perform the functions. For example, Veuilleumier teaches the use of two drive wheels 12, 13 with the same toothing that are superposed and coaxial. As noted, this allows each to be "not be very strong" (column 2, line 23), yet to perform the required function. Therefore, it would have been obvious to use two drive wheels in place of the single drive wheel known in the prior art.

5. Claims 16, 18, 19, 22 and 23 appear to be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art fails to show or teach the structure of the second drive wheel as described in claim 16, or the cut in the crown that separates the prominent tooth from the tooth that precedes it (claim 22).

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The timekeeping gear of Namyslo includes split teeth. The calendar mechanism of Boyles is similar to that of the present invention.

7. Any response to this action may be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

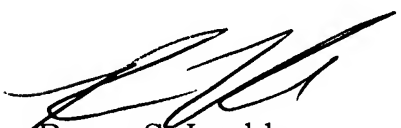
or faxed to:

(571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke
Primary Patent Examiner
August 20, 2007